

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

|  |   |                               |
|--|---|-------------------------------|
| <b>UNITED STATES OF AMERICA</b>  | § |                               |
| <b>Plaintiff</b>   | § |                               |
|  | § |                               |
| <b>v.</b>  | § |                               |
|  | § |                               |
| <b>GERALD P. FOOX and CAROL AN. FOOX</b>   | § |                               |
| <b>Defendants,</b>   | § | <b>Case No. 6:22-cv-00048</b> |
|  | § |                               |
| <b>and</b>   | § |                               |
|  | § |                               |
| <b>MERRILL LYNCH, PIERCE,<br/>FENNER AND SMITH, CAPITAL<br/>ONE BANK, N.A., and CHARLES<br/>SCHWAB &amp; CO., INC,</b> | § |                               |
| <b>Garnishors.</b>   | § |                               |

**CHARLES SCHWAB & CO., INC.'S ANSWER TO APPLICATION  
FOR WRIT OF GARNISHMENT AFTER JUDGMENT**

TO THE HONORABLE JUDGE OF THIS COURT:

Garnishee Charles Schwab & Co., Inc, (“Schwab” or “Garnishee”), files this Original Answer to the Application for Writ of Garnishment after Judgment issued on March 2, 2022, and shows this Court the following:

**I.  
PROCEDURAL HISTORY**

The Writ of Garnishment (“Writ”) was issued on March 2, 2022. Garnishee was served with the Writ on March 8, 2022. On that date, Garnishee had, and as of the date of this Answer, has accounts in the name of Judgment Defendant Carol A. Foom, as specifically identified in the Writ of Garnishment.

## **II.** **ACCOUNTS**

The Writ served on Schwab commanded that the effects of Judgment Debtor be garnished. Specifically, Judgment Debtor has an account, Account xxxx-0110, identified as a Schwab One Account, a Joint Tenant Account with Gerald P. Foox, which had a cash balance of \$3,548.97 and a market value of securities held in the account of \$162,567.00, as of March 9, 2022, which will fluctuate daily depending on market conditions. In addition, Judgment Debtor also has Account xxxx-1843, identified as a Schwab One Account, a Joint Tenant Account with Gerald P. Foox, which had a cash balance of \$1,069.54 and a market value of securities held in the account of \$184,900.34, as of March 9, 2022, which will fluctuate daily depending on market conditions. Both of these accounts have been restricted to all activities and transfers, except for allowing for liquidations of the securities positions held therein to cash.

## **III.** **OTHER EFFECTS**

On the date of service of the Writ, Garnishee was not in possession of any other effects belonging to Judgment Debtor. Garnishee has no knowledge of any other person who is indebted to, or has possession of, any effects belonging to Judgment Debtor. No transactions in the subject frozen accounts have been allowed, or will be allowed, except as to liquidation of securities to cash positions, as set forth above.

## **V.** **PRAYER FOR RELIEF**

WHEREFORE, Garnishee respectfully requests:

1. That Garnishee be discharged from any and all liability from and under the Writ of Garnishment; and

2. Such other relief to which Garnishee may show itself properly entitled.

Respectfully submitted,

/s/David R. Clouston

David R. Clouston, State Bar No. 00787253

Leslye E. Moseley, State Bar No. 24044557

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**ATTORNEYS FOR GARNISHEE  
CHARLES SCHWAB & CO., INC.**

**CERTIFICATE OF SERVICE**

I hereby certify on March 14, 2022, that a true and correct copy of the foregoing instrument was served on the following via Electronic Mail:

Herbert W. Linder  
Attorney, Tax Division  
Department of Justice  
717 North Harwood, Suite 400  
Dallas, Texas 75201  
Herbert.W.Linder@usdoj.gov

*Attorneys for Plaintiff*

/s/David R. Clouston

David R. Clouston

**DECLARATION OF VANESSA MITAS**

STATE OF COLORADO

§

§

COUNTY OF DOUGLAS

§

My name is Vanessa Mitas, my date of birth is 6/19/85, and my address is P.O. Box 636010, Highlands Ranch, Colorado 80163. I have read the foregoing Answer to Writ of Garnishment After Judgment. I am authorized on behalf of Garnishee to provide this Declaration, and the facts contained in the Answer to Writ of Garnishment After Judgment are true and correct and are within my personal knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed in the County of Douglas, State of Colorado on March 11, 2022.

  
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Vanessa Mitas